

Knapp, Michael

From: Downing, Jane
Sent: Tuesday, February 06, 2018 12:26 PM
To: Gutro, Doug
Subject: FW: NH

From: Tiago, Joseph
Sent: Tuesday, February 06, 2018 12:23 PM
To: Downing, Jane <Downing.Jane@epa.gov>
Cc: Mclain, Jennifer <Mclain.Jennifer@epa.gov>
Subject: RE: NH

Hi Jane,

I just got confirmation that TPs on NH PFAS are needed for the Administrator. I included below two examples of what was previously developed for WOTUS and Steam Electric ELG. You may have already received this from Jennifer. Please include facts and figures as much as possible.

I also shared the excerpt below from NHDES with Ann and I hope the TPs will also touch on it among other things.

Can you please get us the TPs by COB tomorrow?

Thank you so much for your help.

Joe.

<https://www4.des.state.nh.us/nh-pfas-investigation/>

On January 11, 2018, NHDES and the Department of Health & Human Services, Division of Public Health Services, in coordination with the Town of Bedford, hosted a public information meeting to provide an update on the on-going investigation of perfluorooctanoic acid (PFOA) releases from Saint-Gobain Performance Plastics, Inc. The primary agenda items included an update on treatment for Merrimack Village District (MVD) wells 4 and 5, public water connections, short and long-term investigation, and a discussion on blood testing, including results of the MVD Community Exposure Assessment.

WOTUS

- The EPA and the Department of the Army are in the process of reviewing and considering revisions to the scope of “waters of the United States” that are protected under the Clean Water Act, and we are doing so in a two-step process consistent with a February 28, 2017 Presidential Executive Order.
- The first step was to propose to rescind the 2015 rule and recodify the prior regulations.
- The second step is to propose a new definition of WOTUS.
- Apart from this two-step process, we recently (Wed. Jan 31) finalized an action extending the effective date of the 2015 rule by two years.
- Given the uncertainty about litigation in multiple district courts over the 2015 Rule, this action provides much needed certainty and clarity to the regulated community during the ongoing regulatory process.

- We've received a lot of useful feedback from the federalism and tribal consultations we conducted in the spring and from the series of public meetings we held in fall asking for pre-proposal recommendations on a revised definition of "waters of the United States."
- We are planning for additional discussions with state and tribal co-regulators in the near-future, including webinars with our state and tribal partners on February 20 and hosting a fly-in for tribal stakeholders on March 5- 6 and a State fly-in on March 8- 9.
- I look forward to continuing our engagement and dialogue as we work to reconsider the definition of the 'waters of the United States' so that Americans receive the clarity they deserve.

Steam Electric ELG

- On November 3, 2015, EPA issued a final rule amending the effluent limitations guidelines and standards on various waste streams at steam electric power plants.
- EPA received multiple petitions for review challenging the regulations, which were consolidated in the U.S. Court of Appeals for the Fifth Circuit the following month. The Agency later received petitions for administrative reconsideration of the final rule, in March and April 2017.
 - The Agency also received two congressional inquiries on behalf of Lakeland Electric requesting immediate relief from the ELG due to the inability of indirect dischargers to meet the compliance deadline for implementation
- On April 12, 2017, Administrator Pruitt informed the petitioners of his decision that it is appropriate and in the public interest to reconsider the rule.
- On August 11, 2017 the Administrator announced his decision to conduct a rulemaking to potentially revise the new, more stringent best available technology (BAT) effluent limitations and pretreatment standards for existing sources in the 2015 rule that apply to bottom ash transport water and flue gas desulfurization (FGD) wastewater. As part of the rulemaking process, EPA will provide notice and an opportunity for public comment on any proposed revisions to the 2015 rule.
- In light of the reconsideration, EPA viewed that it is appropriate to postpone impending deadlines as a temporary, stopgap measure to prevent the unnecessary expenditure of resources until it completes reconsideration of the 2015 rule and issued a final rule in September 2017 postponing the earliest compliance dates for the BAT effluent limitations and pretreatment standards for bottom ash transport water and FGD wastewater in the 2015 Rule, from November 1, 2018 to November 1, 2020.
- As part of the rulemaking process, EPA will provide notice and an opportunity for public comment on any proposed revisions to the 2015 rule.

From: McClain, Jennifer
Sent: Tuesday, February 6, 2018 11:29 AM
To: Downing, Jane <Downing.Jane@epa.gov>
Cc: Tiago, Joseph <Tiago.Joseph@epa.gov>
Subject: NH

Jane,
 Dave Ross' special assistant, Ann Campbell is in transit to Boston right now. Joe Tiago will touch base with her later today on whether we need TPs on NH PFAS. Joe mentioned that the Administrator is scheduled to meet with the NH Governor. Let us know if you think that makes a difference in terms of issues he is likely to hear about.
 Jennifer